

MINUTES
WOODSTOCK CITY COUNCIL

January 16, 2006
City Council Chambers

The regular meeting of the Woodstock City Council was called to order at 7:00 p.m. by Mayor Sager on Tuesday, January 16, 2006 in Council Chambers at City Hall. Mayor Sager described the Consent Agenda format and invited public comment and participation.

ROLL CALL: A roll call was taken.

COUNCIL MEMBERS PRESENT: Richard Ahrens, Julie Dillon, Mike Turner, Ralph Webster, Mayor Sager.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: City Manager Tim Clifton, City Attorneys Rich Flood and Carlos Arévalo, Finance Director Roscoe Stelford, Public Works Director John Isbell, Community Development Director Jim Kastner, Assistant Public Works Director Jeff Van Landuyt, Assistant City Manager Derik Morefield, Economic Development Coordinator Mike Marzal, Police Chief Robert Lowen.

OTHERS PRESENT: City Clerk Maureen Larson.

Mayor Sager verified with the City Clerk that the agenda was a true and accurate reflection of the published agenda.

FLOOR DISCUSSION:

Item E5 was removed from the City's agenda due to staff recommendation.

Public Comments: Tom Haubold, 1531 Acacia Lane, acknowledged that the December 1 snowfall was a significant one but asked the City to consider ways to better clear the streets in the future. The Mayor described the challenges of clearing snow when every storm is different. On December 1 snow fell at more than 1" per hour for 9 hours, and since clearing 240 miles of lanes is a 12-hour task it is difficult to keep up with such a steady accumulation. Mr. Haubold asked how that 12-hour time compares with other cities and asked if increased equipment warranted consideration. The Mayor expressed the City's desire to improve but there is also a need to balance fiscal responsibility against a once-in-five-years event.

Council Comments: R. Ahrens noted the mention of leaf collection in the Public Works report, and asked if further education was needed for residents to avoid raking leaves into the gutters. Mr. Isbell agreed that leaves in the gutters do create backups and flooding and all the published information makes that distinction. They discussed the possibility of pursuing coverage in the newspapers and agreed a partnership with the media might be helpful.

The Mayor invited the Council to the January 24 meeting of McHenry County Council of Governments to be hosted by Woodstock.

a) **PUBLIC HEARING:** Special Service Area (SSA) #12 Apple Creek

The Mayor opened the public hearing at 7:17 p.m. and invited public comment.

Dan Regna, 154 Bloomfield Drive, said the letter came as a surprise and although he realizes it is a backup SSA that is not expressed in the letter. He asked who makes the decision to trigger the SSA. Mr. Flood said his firm recommends this based on experiences where a Homeowners Association (HOA) fails and no mechanism exists to fix it. Because it is private property, tax dollars cannot be used, so an SSA is for the protection of the homeowners and property values. The City would not needlessly trigger the SSA because money from the SSA can only be used for the tasks identified in the SSA; if those elements are being maintained there would be no reason to trigger an SSA. The City cannot tax for something that is already being provided. In addition, there is just one opportunity a year to consider implementing it so a move in that direction would still have a long delay. Mr. Regna asked about notification and was told by Mr. Flood that there is no statutory requirement for a notification but in his experience the SSA would only follow a huge amount of communication between residents and with the City. Even if the City had to trigger it, Mr. Flood doubted that the cost of having the City do it would be any higher than what the residents were paying to hire private companies to do the work.

Mr. Regna asked if a written version of what Mr. Flood has explained could be provided for residents. The Mayor said the City can make a good faith effort to provide an explanation to current residents. He reiterated Mr. Flood's points and emphasized the City Council cannot impose this tax and use the money for something else.

M. Turner asked how many SSAs are in place in Woodstock and was told there are 12. J. Dillon asked if this information would be included in covenants for future residents. The SSA is in the record and documents are included in closing, but it is hoped that Kirk will do a good job of communicating it to residents, especially at the point when the HOA is turned over to their control. The SSA also acts as an incentive for the HOA to stay focused on its responsibilities. Mr. Regna asked if all the other 11 SSAs are backup SSAs and if they have ever been imposed. Mr. Stelford said two of the others have been bond improvements for the downtown, which is completely different. No residential SSAs have been activated. Mr. Flood said it is not a common event. R. Webster said he has built houses in two subdivisions where there have been issues and as a homeowner he believes it is nice to have something to protect individual property if the HOA fails. R. Ahrens added that the protection isn't just for the homeowners, but for all residents of Woodstock because the burden of fixing a problem shouldn't fall on other non-resident taxpayers. The protection goes two ways.

Darren Bozza, 146 Greenfield Creek, believed it was odd for this to be done after the fact for the homes already built. Mr. Flood said it is always done after the annexation and after Kirk closes on the property and starts the work. This has been delayed slightly and is approximately six months behind where it would usually be in the process, but the time had to do with requests from the developer that the City was not comfortable with.

Robert Konozi, 3080 Courtland Avenue, asked about a reserve account, but the Mayor clarified that the tax won't be levied unless it is needed. This just gives the City the authority and the mechanism if the neighbors come forward and request it. Mr. Flood also explained

that the .20 rate would a) not mean that that full amount was levied *even if* the SSA was triggered and b) the reason it is set at that rate is for the long view because \$400 in 50 years will not have the same value as \$400 today. He again reiterated that there would never be an issue of a reserve because the City can't impose the tax and sit on the funds. He also urged the homeowners to be involved in their association. The question about reserves is a good one to ask Kirk because there should be a certain amount there when they turn it over to residents.

Robert Seymour, 3100 Braeburn, asked why this was addressed by the City now when the maintenance is Kirk's responsibility for five years. Mr. Flood said the City wants the SSA in place in case a problem occurs and the sooner it is done, the better. The Mayor added that the City is not dismissing Kirk's responsibility for those five years. Mr. Seymour said this may scare potential incoming residents, but Mayor Sager said this is becoming the practical, commonplace approach. In essence it is a form of insurance with no costs associated.

Mark Marziato, 4095 Courtland, asked what could be included in the word "obligation" used in the SSA language. Mr. Flood said that language is used because City Councils are reluctant to get involved and if half the residents want something and half don't, the "no obligation" phrase gives the Council the ability to choose not to use it. The goal is to preserve the right of the City to make the determination.

The Mayor went on to say that neighbors could criticize the City for not putting something in place to protect them should a problem occur. M. Turner added that this is the City's effort to be sure Apple Creek matches the promises made by Kirk. In response to Mr. Marziato's question about whether private contractors or City employees would be used to do the work Mr. Clifton said it would depend completely on the situation. Mr. Marziato asked if the City could provide addresses if they wanted to reach the 51% needed to reject this and was referred to the County's records. Council also clarified for the residents that there was no vote being taken tonight and this would be voted on March 20, 2007.

Mr. Konozi asked if this tax is in addition to the assessments they pay per month. Mr. Flood again explained that HOA assessments pay for work to be done on the common areas and is not controlled by the City but if that work isn't getting done it's possible the HOA assessment would be lower or even non-existent. If the SSA was triggered the City would set its amount based on how much it cost to do the work needed after an HOA failed divided by the number of homes. M. Turner clarified that the HOA fees have nothing to do with the City and R. Webster emphasized that the City only becomes involved if there is a breakdown in the HOA, which is unlikely with so many active residents. Mr. Konozi asked if the Council will vote on this every year. The default setting is to do nothing and a vote or tax would only be considered by Council if there's a problem. All Council members stressed that the vote on March 20 is not a vote to levy a tax, but to put the structure in place. It would only come up for a vote after much discussion and controversy among the neighborhood.

The Mayor gave three additional opportunities for public comment and there was none. Motion by R. Ahrens, second by R. Webster, to close the public hearing. A roll call vote was taken. Ayes: R. Ahrens, J. Dillon, M. Turner, R. Webster, Mayor Sager. Nays: None. Abstentions: None. Absentees: None. Motion carried unanimously. The public hearing was closed at 8:24 p.m.

CONSENT AGENDA:

Motion by J. Dillon, second by M. Turner, to concur with the Consent Agenda, Items B-E10, without Item B 5 which was removed from the Agenda at the recommendation of staff. The Mayor asked if the public had any removal requests; there were none.

- Mayor Sager had questions on Items E2 and E4
- M. Turner had a question on Item E4.
- R. Ahrens had a comment on Item E3.

Item E2: Ruth Center Final Plat. Mayor Sager asked for verification from staff that all conditions as set forth in the staff report and guided by the Plan Commission have been accommodated via the documents that are before the Council. Mr. Kastner confirmed that was correct and Mr. Zank confirmed that the petitioner is aware of these conditions.

Item E3: Rezoning—524 N. Madison. R. Ahrens said that while he has concerns about the balance of rental vs. owner occupied properties, he is supportive of interior and façade improvement that benefit a neighborhood and that has gone into consideration of this item.

Item E4: Apple Creek Estates Pre-Annexation Review. The Mayor asked staff about the letter from Kirk. Their statement in the second sentence is “It is the intention of Kirk Homes to have the Gluth Property subject to the approved annexation for Apple Creek Estates.” He wanted to be sure the staff report is indicating that is an absolute, not a suggestion. Mr. Kastner said that is what we require and there have been discussions with Kirk already. The Mayor emphasized that it is our understanding that the waiver is acceptable with the understanding that first, the property proposed for annexation will be subject to all terms and conditions set forth in the annexation agreement for Apple Creek Estate site and, second, the existing 10.3 acres at the intersection of Route 47 and Lucas Road and the subject property be developed as a single project. He confirmed that was the case. M. Turner asked if the annexation of this land changed the needs or desires for improvements up and down Route 47. Mr. Clifton said all this does is waive the preannexation; the City will still go through the annexation agreement and double check all those. M. Turner also suggested while talking with Kirk Homes that they be encouraged to clearly communicate with residents on the SSA.

The Mayor also commented on **Item E2** (Ruth Center), saying that it is a fine location for service and hotel uses and he is pleased with the investment in the community. He went on to say that he is also pleased to have the city work again with Wold Architects, referenced in **Item E7** (Public Works Facility), and he looks forward to the possibility of green construction. He introduced architect Roger Trepfor.

B. MINUTES OF PREVIOUS MEETINGS:

December 19, 2006 Regular Meeting

C. WARRANTS: 3209 3210 3211 3212 MFT 446**D. MINUTES AND REPORTS:**

Public Works Activity Report – November 2006

Historic Preservation Commission – December 4, 2006

Woodstock Public Library – December 7, 2006

E. MANAGER'S REPORT NO. 440**1. Property Tax Abatement Ordinance – Approval of the following:**

- a) Ordinance No. 07-O-01, identified as Document No. 1, abating the additional tax imposed by Ordinance Number 2646 for the purpose of borrowing money and issuing \$4,995,000 principal amount general obligation bonds, Series 1996, for the purpose of improving the existing waterworks and sewerage system of the City of Woodstock;
- b) Ordinance No. 07-O-02, identified as Document No. 2, abating the additional tax imposed by Ordinance Number 98-O-09 for the purpose of borrowing money and issuing \$1,500,000 principal amount Special Service Area Number 7 Bonds, Series 1998, for the purpose of constructing public improvements in the Special Service Area;
- c) Ordinance No. 07-O-03, identified as Document No. 3, abating the additional tax imposed by Ordinance Number 00-O-29 for the purpose of borrowing money and issuing \$4,000,000 principal amount general obligation bonds, Series 2000B, for the purpose of constructing a new police facility in the City of Woodstock;
- d) Ordinance No. 07-O-04, identified as Document No. 4, abating the additional tax imposed by Ordinance Number 00-O-30 for the purpose of borrowing money and issuing \$500,000 principal amount general obligation bonds, Series 2000C, for the purpose of constructing a new aquatic center in the City of Woodstock;
- e) Ordinance No. 07-O-05, identified as Document No. 5, abating the additional tax imposed by Ordinance Number 00-O-31 for the purpose of borrowing money and issuing \$500,000 principal amount general obligation bonds, Series 2000D, for the purpose of improving the existing library in the City of Woodstock;
- f) Ordinance No. 07-O-06, identified as Document No. 6, abating the additional tax imposed by Ordinance Number 01-O-28 for the purpose of borrowing money and issuing \$1,635,000 principal amount general obligation bonds, Series 2001, for the purpose of constructing the Opera House Annex;
- g) Ordinance No. 07-O-07, identified as Document No. 7, abating the additional tax imposed by Ordinance No. 02-O-108 for the purpose of borrowing money and issuing \$6,675,000 principal amount general obligation bonds, Series 2002E, 2002F and 2002G, for the purpose of constructing infrastructure improvements on the Die Cast site, refinancing the loan, and constructing an expansion to the Seminary Avenue Water Treatment Plant;
- h) Ordinance No. 07-O-08, identified as Document No. 8, abating the additional tax imposed by Ordinance Number 02-O-108 and supplemented by Ordinance Number 04-O-26 for the purpose of borrowing money and issuing \$3,155,000 principal amount general obligation bonds for the purpose of refunding a portion of the City of Woodstock Series 2000B general obligation bonds;
- i) Ordinance No. 07-O-09, identified as Document No. 9, abating the additional tax imposed by Ordinance Number 02-O-108 and supplemented by Ordinance Number 04-O-15 for the purpose of borrowing money and issuing \$3,650,000 principal amount general obligation bonds, Series 2004F, for the purpose of expanding the existing waterworks and sewerage system;
- j) Ordinance No. 06-O-10, identified as Document No. 10, abating the additional tax imposed by Ordinance Number 05-O-70 and modified by Ordinance Number 05-

O-99 for the purpose of borrowing money and issuing \$6,545,000 principal amount general obligation bonds, Series 2005B, for the purpose of constructing roadway improvements and the development of new park sites;

2. Ruth Center Final Plat – Approval of the following:

- a) Ordinance No. 07-O-11, identified as Document No. 11, approving the final Plat of Subdivision for Ruth Center and;
- b) Ordinance No. 07-O-12, identified as Document No. 12, rezoning proposed lots 5,7,8,9 and 10 of the Ruth Center Subdivision from “M1 Limited Manufacturing and Research District to “B3 Service and Wholesale District”.

3. Rezoning – 524 North Madison – Adoption of Ordinance No. 07-O-13, identified as Document No. 13, rezoning land at 524 North Madison Street from “R3 One-Four Family District” to “R-4 Multiple Family District”.

4. Apple Creek Estates Pre-Annexation Review – Adoption of a motion waiving the pre-annexation review process for an 18-acre unincorporated parcel located north and east of Illinois Route 47 and Lucas Road.

6. Permanent Easements for Sidewalk Replacement – Approval of the following:

- a.) Ordinance No. 07-O-14, identified as Document No. 14, accepting an Agreement concerning land for a permanent easement for property located at 728 N. Madison;
- b.) Ordinance No. 07-O-15, identified as Document No. 15, accepting an Agreement concerning land for a permanent easement for property at 732 N. Madison, and
- c.) Ordinance No. 07-O-16, identified as Document No. 16, accepting an Agreement concerning land for a permanent easement for property located at 170 Ash St.

7. Professional Services –Wold Architects and Engineers – Approval of an agreement with WOLD Architects and Engineers for the planning and design of the new Public Works Facility.

8. Parking Fine Penalties – Adoption of Ordinance No. 07-O-17, identified as Document No. 17, amending various fine provisions in Chapter 3, Traffic Schedules, of Title 5, Motor Vehicles and Traffic of the Woodstock City Code.

9. Engine Brake Use – Adoption of Ordinance No. 07-O-18, identified as Document No. 18, prohibiting the use of engine brakes within the City Limits.

10. IDOT Agreement – Approval of a local agency agreement with IDOT, identified as Document No. 19, to provide local share of the construction for the Calhoun – Fair – South – Country Club – Route 47 roadway improvements.

A roll call vote was taken. Ayes: J. Dillon, M. Turner, R. Webster, R. Ahrens, Mayor Sager. Nays: None. Abstentions: None. Absentees: None. Motion carried unanimously.

DISCUSSION ITEMS:

11. Vision 2020 – Presentation of the Visioning Committee’s Vision 2020 Report.

R. Webster felt the report was outstanding and necessary, and his only question was whether the reference to community safety and health could include something relative to fire safety. He also noted the absence of a comment on the Public Works department considering the City will rely on them to realize the vision for 2020. Mayor Sager said this document that will go hand-in-hand with the Comprehensive, Environmental, Traffic, and Parks Master plans, as well as the budget and CIP. R. Webster will write some bullet points on safety and asked Mr. Isbell to write something on Public Works. Mr. Clifton said the goals and objectives from this document will be used by staff and added to the budget. R. Ahrens said this affirms what we are as a community and becomes a tool that moves us into the future.

M. Turner was impressed with the document. J. Dillon concurred. She appreciated the breakdown, but did comment that the magic of Disney reference was too sugary for her taste. The Mayor replied that he had spoken with the committee about that and it was their belief that the image of service, good morals, ethics and cleanliness was wrapped into that phrase.

The Mayor proposed incorporating R. Webster's additions and revisiting this at the first meeting in February. The members of the Visioning Committee will be invited.

12. Five Year Capital Improvement Program – Transmittal of the Five-Year CIP for FY2007/2008 through FY2011/2012. Mr. Clifton said this is the first year the CIP is being electronically transmitted. With more projects than funds available this allows projects competing for dollars to be reviewed. Mr. Morefield said the document covers 99 projects totaling \$117 million over a 5-year period. The CIP will be discussed February 6.

FUTURE AGENDA ITEMS:

The next meeting will be February 6, 2007.

ADJOURNMENT:

Motion by R. Webster, second by J. Dillon, to adjourn the regular meeting of the City Council to the regular meeting to be held February 6, 2007 at 7:00 p.m. in Council Chambers at City Hall. Ayes: R. Ahrens, J. Dillon, M. Turner, R. Webster, Mayor Sager. Nays: None. Abstentions: None. Absentees: None. Motion carried unanimously. Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Maureen Larson
City Clerk